

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**KENOSHA BUILDING & CONSTRUCTION
TRADES HEALTH FUND, et al.,
Plaintiffs,**

v.

Case No. 08-C-0129

**LENCOLE CONCRETE LLC,
Defendant.**

MEMORANDUM

Civil Local Rule 41.2 (E.D. Wis. 2003) states that

[i]n all cases in which a defendant has failed to file an answer or otherwise defend within 6 months from the filing of the complaint and the plaintiff has not moved for a default judgment, the Court may on its own motion, after 20 days' notice to the attorney of record for the plaintiff, or to the plaintiff if pro se, enter an order dismissing the action for lack of prosecution. Such dismissal must be without prejudice.

This case was filed on February 5, 2008. Six months have expired since the filing of the complaint, yet to date defendant has not answered and plaintiffs have not moved for default judgment.

Therefore, plaintiffs are put on notice that the court on its own motion shall dismiss this case without prejudice after twenty days from the date of this memorandum unless within that time plaintiffs object to the dismissal.

Dated at Milwaukee, Wisconsin, this 8 day of January, 2009.

/s _____
LYNN ADELMAN
District Judge